

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Jeffrey	Team: Squad #8	CCRB Case #: 202006162	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/12/2020 12:30 AM	Location of Incident: § 87(2)(b)	Precinct: 83	18 Mo. SOL 3/12/2022	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 09/12/2020 12:57 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 09/12/2020 12:57 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Reuben Antwi	25102	948300	083 PCT
2. SGT William Mansour	04183	953046	083 PCT
3. POM Duane Seaton	24810	962791	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Varela	16583	964329	083 PCT
2. POM Andrew Logatto	14334	950765	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Reuben Antwi	Force: Police Officer Reuben Antwi used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Reuben Antwi	Discourtesy: Police Officer Reuben Antwi spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POM Reuben Antwi	Abuse: Police Officer Reuben Antwi searched § 87(2)(b)	§ 87(2)(b)
D.SGT William Mansour	Abuse: Sergeant William Mansour did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
E.POM Reuben Antwi	Abuse: Police Officer Reuben Antwi did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
F.POM Reuben Antwi	Discourtesy: Police Officer Reuben Antwi spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.POM Reuben Antwi	Discourtesy: Police Officer Reuben Antwi spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H.POM Duane Seaton	Discourtesy: Police Officer Duane Seaton spoke discourteously to § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary

On September 12, 2020, at approximately 12:30 a.m., in the vicinity of § 87(2)(b) in Brooklyn, PO Reuben Antwi, PO Duane Seaton, and PO Matthew Varela of the 83rd Precinct were addressing a crowd of civilians, when PO Antwi allegedly observed § 87(2)(b) discard a glycine bag full of a white powdery substance on to the ground and place an identical looking bag with the same contents in his mouth. PO Antwi then took § 87(2)(b) to the ground and arrested him (**Allegation A: Force**, § 87(2)(g)).

§ 87(2)(b) saw PO Antwi doing this and repeatedly asked him why he was arresting § 87(2)(b). PO Antwi allegedly told § 87(2)(b) to, “Shut the fuck up” (**Allegation B: Discourtesy**, § 87(2)(g)).

PO Antwi then searched § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g)).

After § 87(2)(b) was handcuffed, Sgt. William Mansour of the 83rd Precinct arrived to verify the arrest. PO Antwi allegedly told Sgt. Mansour that § 87(2)(b) had ingested narcotics. PO Antwi, PO Seaton, and PO Varela then transported § 87(2)(b) to the 83rd Precinct stationhouse (**Allegations D and E: Abuse of Authority**, § 87(2)(g)).

Prior to transporting § 87(2)(b) while standing a few feet away from him, PO Antwi stated, “He ate

some of it, the piece of shit ate some of it,” in reference to § 87(2)(b) ingesting narcotics

(**Allegation**

F: Discourtesy, § 87(2)(g)). While transporting § 87(2)(b) back the precinct stationhouse PO Seaton told him, “Stop fucking moving man,” and “I bet you regret swallowing that shit now.” (**Allegations G and H: Discourtesy**, § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

The investigation received BWC video from all the officers on scene (Board Review 1-11).

Findings and Recommendations

Allegation (A) Police Officer Reuben Antwi used physical force against § 87(2)(b)

Allegation (B) Police Officer Reuben Antwi spoke discourteously to § 87(2)(b)

Allegation (C) Police Officer Reuben Antwi searched § 87(2)(b)

In her interview with the CCRB § 87(2)(b) stated that she had stepped outside her apartment building at § 87(2)(b) in Brooklyn and was speaking to her neighbor, who remains unidentified, when she saw § 87(2)(b) walking towards her followed by PO Antwi (Board Review 16). The two men were north of § 87(2)(b) when she first observed them.

PO Antwi kept reaching out and lightly pulling on § 87(2)(b)'s upper arm and asked him why he was walking away. PO Antwi was conversational in his tone and did not appear to be giving any explicit orders, however § 87(2)(b) could not recall exactly what was said. § 87(2)(b) kept pulling his arm away and did not get pulled back or stumble as he continued walking. § 87(2)(b) did nothing but continue to walk away from PO Antwi.

§ 87(2)(b) asked PO Antwi what he was doing and what was going on. PO Antwi did not respond. As PO Antwi and the men moved from north of § 87(2)(b) to being in front of her, PO Antwi appeared to become more forceful and began grabbing and holding on to the § 87(2)(b)'s upper arm. PO Antwi did not explicitly tell § 87(2)(b) that he was being stopped. § 87(2)(b) kept asking PO Antwi if § 87(2)(b) was being detained, and if so why.

As PO Antwi and § 87(2)(b) moved to § 87(2)(b)'s south side and PO Antwi began grabbing and pulling § 87(2)(b) back and started to search through the pockets on his pants. § 87(2)(b) kept trying to walk away, but PO Antwi appeared to be holding him there. During the struggle § 87(2)(b) fell to the ground. § 87(2)(b) stated it was unclear whether PO Antwi pushed him to the ground or if he fell when trying to pull free and walk away.

Once § 87(2)(b) was on the ground PO Antwi got on top of him and continued to search him. § 87(2)(b) asked PO Antwi why he was detaining and searching § 87(2)(b). PO Antwi looked at § 87(2)(b) and yelled at her to, "Shut the fuck up!"

§ 87(2)(b) and her neighbor then walked inside to distance themselves from the situation. PO Varela and PO Seaton walked over to PO Antwi and § 87(2)(b) as well as a small crowd of civilians. § 87(2)(b) could not recall how many civilians there were in total. As PO Antwi and PO Seaton were interacting with the man on the ground PO Varela addressed the crowd and stated that § 87(2)(b) had been found with illegal drugs on him.

According to PO Antwi on September 12, 2020, he was driving in an unmarked RMP with PO Varela and PO Seaton (Board Review 17). One of the other officers noticed a group of civilians and believed they were committing a crime, so the officers got out of their vehicle to speak to them. PO Antwi could not recall what crime the officer believed the group was committing, nor which officer it was that noticed it.

Only seconds after exiting their vehicle, PO Antwi saw § 87(2)(b) walk approximately five to eight feet away from the group. § 87(2)(b) then reached into his pocket and pulled out a clear glycine bag smaller than his palm, that appeared to contain a white powdery substance. PO Antwi stated that the lighting was not the best, but that it was alright, and that he had a clear line of sight to § 87(2)(b). PO Antwi believed the substance to be an illegal narcotic. PO Antwi saw § 87(2)(b) drop the bag and then pull something else out of his pocket which he placed in his mouth and appeared to swallow. PO Antwi could not see what § 87(2)(b) put in his mouth but believed it to also be an illegal narcotic. PO Antwi looked at the bag § 87(2)(b) dropped on the ground to confirm that it looked to contain an illegal narcotic before continuing to pursue him. PO Antwi has personally made hundreds of narcotics arrests and has been involved in thousands. PO Antwi stated that he has been trained to identify narcotics but could not recall when he last received training.

PO Antwi walked over and grabbed § 87(2)(b) by his arms around his elbows. § 87(2)(b) began flailing his arms in a random pattern. PO Antwi could not recall whether he gave § 87(2)(b) any commands. PO Antwi took § 87(2)(b) down to the ground and handcuffed his hands behind his back. PO Antwi could not recall how he got § 87(2)(b) on to the ground. PO Antwi stated that he took § 87(2)(b) to the ground because he was not cooperating and believed it was the best way to handcuff him.

While PO Antwi was apprehending § 87(2)(b), § 87(2)(b) was approaching and yelling at PO Antwi asking what he was doing. PO Antwi yelled an expletive at § 87(2)(b) and told her to back up. PO Antwi stated that he could not remember exactly what he said. PO Antwi stated that he

used an expletive because he was in the middle of making an arrest and did not want § 87(2)(b) interfering. PO Antwi stated that he could not recall how close § 87(2)(b) was, but that he felt it was too close. § 87(2)(b) was not doing anything else that made PO Antwi think she was going to interfere in the arrest.

After § 87(2)(b) was handcuffed, PO Antwi frisked the outside of his clothing and around his pockets, crotch, and sneakers. PO Antwi also searched inside of § 87(2)(b)'s pockets and waistband. PO Antwi was searching to make sure § 87(2)(b) did not have a weapon. PO Antwi stated it was a search incident to a lawful arrest.

According to PO Seaton, while driving around the officers noticed that there was a group of approximately ten people standing around together drinking and smoking. PO Varela pulled the car over and the three officers got out (Board Review 18). PO Varela and PO Seaton began talking to the group warning them to keep their volume down, as to not create a nuisance.

After approximately one to two minutes. PO Seaton turned around and saw that approximately 20 to 25 feet away PO Antwi had § 87(2)(b) laying on his stomach, handcuffed on the ground. PO Seaton could not recall why he originally turned around. PO Seaton did not observe any bystanders near PO Antwi when he turned around. PO Seaton did not hear PO Antwi use any obscenities when he was making the arrest and did not observe § 87(2)(b) before seeing him on the ground. PO Seaton walked over and spoke to PO Antwi. PO Antwi stated that he had seen the individual walking away from the group and attempting to swallow what looked like a bag of cocaine.

When PO Seaton walked over to PO Antwi, PO Varela also came over, as well as the group of approximately ten civilians. The civilians began crowding around and asking what was happening. PO Seaton told the group to back up. The closest civilians were within approximately five feet from PO Antwi and § 87(2)(b).

PO Antwi searched § 87(2)(b)'s pockets and waistband, and patted down the outside of his clothing, including his legs, arms and torso. The officers then called for a supervisor to respond to the scene and did a search of the area for any additional evidence.

According to PO Varela, while he was driving, he observed § 87(2)(b) on the sidewalk lighting a marijuana cigarette (Board Review 19). PO Varela smelled that it was marijuana from the car as the windows were rolled down. The object also appeared to be a marijuana cigarette because it was wrapped in a store-bought tobacco leaf which, based off PO Varela's experience, is typical of marijuana cigarettes.

The officers got out of the police vehicle and approached § 87(2)(b). § 87(2)(b) threw the marijuana cigarette on to the floor. There was a crowd of approximately ten to twelve civilians who were trying to distract the officers by getting in between § 87(2)(b) and the officers and screaming. PO

Varela stated that the crowd got within five feet of him and the other officers. PO Varela's rep asked if the civilians were "toe to toe" with him, to which PO Varela answered yes. PO Varela extended his arm in front of him with his hand open palm to get the civilians to distance themselves. PO Varela never contacted any of the civilians. PO Varela ordered the civilians to get back, but they got closer.

§ 87(2)(b) walked away from the crowd and put an object up to and past his face and then released it to the ground. PO Varela could not see if the object came close to § 87(2)(b)'s mouth, because

PO Varela turned his head during the movement. The object landed directly next to § 87(2)(b)'s face. PO Varela stated that he was able to observe the object on the ground and that it was a white powdery substance in glycine envelope that was smaller than the palm of his hand. § 87(2)(b) then threw himself on the ground to cover the bag. PO Varela was less than half a car length from § 87(2)(b) when this happened.

§ 87(2)(b) had his back to the street but was in the open line of sight of PO Antwi, PO Seaton, and PO Varela. PO Antwi did not make any physical contact with § 87(2)(b) before he threw himself to the ground. PO Varela described § 87(2)(b) throwing himself to the ground as more of a drop to the ground and stated that it appeared intentional.

While this was happening PO Varela and PO Seaton were telling the crowd to back up, and PO Antwi was speaking to § 87(2)(b). PO Varela could not recall exactly what PO Antwi said but believed it was along the lines of, "What are you doing?" PO Antwi then arrested § 87(2)(b) who was already on the ground.

PO Varela stated that there were a bunch of people speaking and he could not determine if any of them were speaking directly to PO Antwi. PO Varela could not recall if there was a female bystander near PO Antwi while he was arresting § 87(2)(b). PO Varela could not recall to his knowledge if PO Antwi spoke to any bystanders, but that he likely did. PO Varela did not hear PO Antwi tell anyone to "Shut the fuck up." After § 87(2)(b) was handcuffed additional back up was called.

None of the BWC video received by the investigation captured the events leading up to § 87(2)(b) being handcuffed (Board Review 1-11).

The investigation was unable to get into contact with § 87(2)(b). § 87(2)(b)'s arrest report did not have any of his contact information listed, and CLEAR, Lexis, and OCA searches yielded negative results. § 87(2)(b) did not have any contact information for § 87(2)(b) but believed he was employed at the barbershop on her block. According to § 87(2)(b)'s arrest report he was charged with criminal possession of a controlled substance in the fifth degree, tampering with physical evidence, obstructing governmental administration in the second degree, and criminal possession of a controlled substance in the seventh degree (Board Review 12-16). The investigation called the barbershop three times. The first time a voicemail was left. The second time the mailbox was full. The third time a man answered and then hung up as soon as the undersigned identified himself as working at the CCRB. The man called the undersigned back and stated that there was no § 87(2)(b) who worked there.

According to Patrol Guide Procedure 221-01 when a member of service utilizes force they should, "use only the reasonable force necessary to gain control or custody of a subject." This procedure further states, "In determining whether the use of force is reasonable, members of the service should consider the following: the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject's violent history, if known, presence of hostile crowd or agitators, subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence (Board Review 20).

According to DAO-DCT Case Number: 2017-17005 “profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct.” That being said it is further stated that, “The extension of an exception to a rule should be circumscribed. Otherwise the exception will swallow the rule.” In this case an officer told a bystander to “Shut the fuck up” because the bystander was complaining about actions the officer was taking. The Trial Commissioner stated that this “remark was completely unnecessary and without a legitimate police purpose” (Board Review 21).

According to Patrol Guide Procedure 208-03 when an officer arrests an individual they should immediately carry out a frisk/field search of that prisoner and search the surrounding area for weapons, evidence, and/or contraband (Board Review 22).

Patrol Guide Procedure 208-05 defines a frisk/field search as, “A frisk, performed primarily to ensure the personal safety of the arresting officer, is a methodical external body examination of the arrested person conducted immediately after apprehension to find weapons, evidence, or contraband. The frisk should be conducted before or immediately after the subject is rear handcuffed, depending upon circumstances, temperament of the subject, and escape potential. A thorough external body examination is made by sliding the hand over the subject’s body, feeling for weapons or other objects, with special attention to the waistband, armpit, collar, and groin areas. If an unusual object is detected, the officer will reach into or under the clothing to remove it (Board Review 23).

§ 87(2)(g) § 87(2)(b) was walking away from PO Antwi and not complying with his commands, and that § 87(2)(b) s description of the force used made it out to be minimal, § 87(2)(g) During the apprehension of § 87(2)(b) there were few to no bystanders in the vicinity of PO Antwi, and § 87(2)(b) was not making violent actions, § 87(2)(g)

Allegation (D) Sergeant William Mansour did not obtain medical treatment for § 87(2)(b)
Allegation (E) Police Officer Reuben Antwi did not obtain medical treatment for § 87(2)(b)

In his interview with the CCRB, PO Antwi stated that he saw § 87(2)(b) reach into his pocket and pull out a clear glycine bag smaller than his palm, that appeared to contain a white powdery substance (Board Review 17). PO Antwi believed the substance to be an illegal narcotic. PO Antwi saw § 87(2)(b) drop the bag and then pull something else out of his pocket which he placed in his mouth and appeared to swallow. PO Antwi could not see what § 87(2)(b) put in his mouth but believed it to also be an illegal narcotic.

PO Antwi looked in § 87(2)(b) s mouth after he was handcuffed and saw a white powder in his teeth. PO Antwi believed that § 87(2)(b) had swallowed narcotics. PO Antwi stated that typically when an arrested individual is believed to have ingested narcotics officers should immediately request for medical attention. PO Antwi stated that he did not request medical attention at the scene due to human error. PO Antwi stated that one of the officers requested for an ambulance for § 87(2)(b) after bringing him back to the stationhouse. PO Antwi stated that he could not recall which officer made the decision to bring § 87(2)(b) to the Precinct Stationhouse before requesting medical attention.

PO Antwi told the other officers at the scene of the crime that he believed § 87(2)(b) had swallowed narcotics. PO Antwi could not recall if his supervisor Sgt. Mansour was at the scene of the crime but recalled telling him about § 87(2)(b) swallowing narcotics.

PO Antwi was shown a clip of his own BWC video starting at 03:09 minutes to 03:15 minutes. PO Antwi identified PO Varela and Sgt. Mansour in the clip. PO Antwi was replayed the clip from 03:09 minutes to 03:28 minutes. PO Antwi identified himself as the officer saying, “Ate some of it.” PO Antwi was replayed the clip a third time and stated that he heard himself say, “He ate some of it the piece of shit ate some of it.” PO Antwi stated that he believes he was referring to § 87(2)(b) and the narcotic he saw him ingest.

During his interview with the CCRB, PO Seaton stated that after he saw § 87(2)(b) on the ground and PO Antwi handcuffing him, he and PO Varela walked over (Board Review 18). PO Antwi stated that he had seen § 87(2)(b) walking away from the group and attempt to swallow what looked like a bag of cocaine. A group of approximately ten civilians began crowding around and asking what was happening. PO Seaton told the group to back up. The closest civilians were within approximately five feet of PO Antwi and the individual. None of the officers called for medical assistance when they were on scene. PO Seaton stated that he was not involved in the arrest processing and did not know if an ambulance was ever called.

PO Seaton stated that Sgt. Mansour arrived on scene with approximately five other officers. Sgt. Mansour instructed the officers to transport § 87(2)(b) to the Precinct Stationhouse.

PO Seaton, PO Varela, and PO Antwi transported § 87(2)(b) in their unmarked RMP. PO Seaton did not recall what was said during the car ride to the precinct. PO Seaton sat in the back of the vehicle with the arrested individual while PO Antwi and PO Varela sat in the front.

PO Seaton was shown a clip from PO Antwi’s BWC video from 03:10 to 3:28 minutes. PO Seaton identified himself, and PO Varela in the clip. PO Seaton identified PO Antwi as saying, “He ate some of it the piece of shit ate some of it.” PO Seaton stated that he does not have an independent recollection of this portion of the incident and stated that he believes he was too far away from PO Antwi at the time of this statement to have heard it.

In his interview with the CCRB, PO Varela stated that § 87(2)(b) walked away from the crowd and put an object up to and past his face and then released it to the ground (Board Review 19). PO Varela could not see if the object came close to § 87(2)(b)’s mouth, because PO Varela turned his head during the movement. The object landed directly next to § 87(2)(b)’s feet. PO Varela stated that when he was able to observe the object on the ground it was a white powdery substance in a glycine envelope that was smaller than the palm of his hand. § 87(2)(b) then threw himself on the ground to cover the bag. PO Varela was less than half a car length from § 87(2)(b) when this happened.

After § 87(2)(b) was handcuffed, additional back up was called. PO Varela could not recall who arrived on scene, but that over ten additional officers responded. The highest-ranking officer on scene was Sgt. Mansour. PO Varela spoke to Sgt. Mansour and explained the situation with the crowd, and § 87(2)(b)’s arrest. PO Varela stated that while at the scene of the incident he did not suspect that § 87(2)(b) had swallowed narcotics, and no one spoke about § 87(2)(b) possibly swallowing narcotics. § 87(2)(b) did not show any signs of distress and stated that he was fine during the ride back to the stationhouse. Once they had arrived at the stationhouse § 87(2)(b)

showed signs of distress, so the officers suspected he may have ingested narcotics and requested an ambulance to bring him to the hospital.

PO Varela was shown the complaint report prepared for this incident. PO Varela read the narrative allowed which stated that § 87(2)(b) was seen swallowing narcotics at the time of arrest. When asked why the narrative would say this if PO Varela did not observe § 87(2)(b) swallowing narcotics on scene, PO Varela stated that after § 87(2)(b) was seen to be in distress at the stationhouse the officers reasoned that when he moved the bag he was holding up to and past his face he may have placed a second bag in his mouth and swallowed it before dropping the bag they had found on the ground. PO Varela stated that when on scene he did not believe § 87(2)(b) had placed anything into his mouth. The report reflected PO Varela's beliefs at the time § 87(2)(b) was removed to the hospital. PO Varela stated that he requested for the ambulance, but that he was not the officer who went to the hospital with § 87(2)(b).

PO Varela was shown a clip from his own BWC between 05:40 and 05:54 minutes. PO Varela identified the location in the video as the location of the incident. PO Varela could not identify the two officers he was speaking to. PO Varela was shown a clip from Sgt. Mansour's BWC between 03:40 and 4:00 minutes. PO Varela identified one of the officers he was speaking to as Sgt. Mansour. PO Varela was shown a clip from PO Antwi's BWC between 03:10 and 03:28 minutes. PO Varela identified the other officer he was speaking to as PO Antwi. PO Varela stated it was unclear what PO Antwi was referring to in the clip when he said, "He ate some of it the piece of shit ate some of it." PO Varela stated in the clip you can see that he was confused, because he asked PO Antwi, "He ate something?" PO Varela stated that PO Antwi never elaborated on what § 87(2)(b) ate.

During his interview with the CCRB, Sgt. Mansour stated that he was requested to come to § 87(2)(b) in Brooklyn in regard to an arrest (Board Review 24). Sgt. Mansour could not recall exactly what was said over the radio only that officers had called for assistance. When Sgt. Mansour arrived on scene there were approximately 20 bystanders who were yelling and asking the officers why they were arresting § 87(2)(b). The bystanders were huddled in a circle and closer to the officers than two or three feet. Sgt. Mansour told the bystanders to back up, so they moved back, however the closest bystander was still within two or three feet of the officers. Sgt. Mansour spoke to two or three of the civilians who kept asking why § 87(2)(b) was under arrest, and if they could hold onto some of § 87(2)(b)'s stuff for him.

Sgt. Mansour spoke to PO Varela and he explained that the arrest was for the possession of narcotics and that they had found them on him after he had walked off from the larger group of civilians. Sgt. Mansour could not recall if PO Varela told him what narcotics were found in § 87(2)(b)'s possession. Sgt. Mansour stated that he could not recall any other conversations he had with the officers, but that he probably talked to them about searching the area for additional narcotics. Sgt. Mansour stated that no officer told him that § 87(2)(b) had swallowed narcotics. Sgt. Mansour could not recall any officer telling him that § 87(2)(b) may have swallowed something or talking about § 87(2)(b) swallowing anything. Sgt. Mansour stated if he had known § 87(2)(b) swallowed narcotics, he would have immediately requested an ambulance, as according to protocol. § 87(2)(b) did not appear to be in any discomfort or have any visible injuries. The only conversation Sgt. Mansour could recall having with § 87(2)(b) was him mentioning that he was a barber.

Sgt. Mansour described the scene of the incident as chaotic. When asked besides the formation of the crowd what made the scene chaotic. Sgt. Mansour stated that as the officers were searching for additional narcotics, they kept asking the bystanders to move away, but they kept getting in the

officers' way. Sgt. Mansour stated that this was dangerous because the bystanders could have hit the officers or taken their firearms when they were not looking. § 87(2)(b) was taken to the stationhouse and then taken to the hospital.

Sgt. Mansour was shown a clip from his BWC video between 03:42 and 04:05 minutes. Sgt. Mansour identified PO Varela in the clip. Another officer stated, "He ate something the piece of shit ate something." Sgt. Mansour stated that he has no independent recollection of any officer making any statements about § 87(2)(b) possibly swallowing something. Sgt. Mansour stated that if an officer did mention anything to him, he did not hear them, or pay attention to what they were saying due to the chaotic nature of their surroundings.

Sgt. Mansour was shown the complaint report prepared for this incident and read the narrative which states that § 87(2)(b) swallowed narcotics. Sgt. Mansour stated that the report was probably prepared at the stationhouse after the fact. Sgt. Mansour stated that his name was put down as the approving supervisor, but that the officers probably did that on his behalf since he approved it on scene.

The investigation received a compliant report that was prepared by PO Varela (Board Review 25). In the report PO Varela states that officers observed § 87(2)(b) remove a large quantity of cocaine from his right pocket and then place it into his mouth, § 87(2)(b) was later removed to § 87(2)(b) Hospital for evaluation.

At the beginning of PO Logatto's BWC video a group of approximately ten civilians can be observed standing approximately six feet away from the officers and § 87(2)(b) (Board Review 03 and 08). PO Logatto is the closest officer to the civilians and appears to be keeping a two to three foot distance. At 00:38 minutes one of the officers instructs the civilians to disperse since they are blocking the sidewalk. The civilians are standing quietly watching the officers. Some of the civilians begin walking into the street, but do not appear to get closer to the officers who are standing with § 87(2)(b). Some of the officers get closer to the civilians while they are looking around on the ground, however the other officers besides PO Logatto all appear to remain three or more feet away from them.

In PO Antwi's BWC video at 03:18, PO Antwi begins speaking to another officer, and PO Seaton, and tells them, "He ate some of it... The piece of shit ate some of it" (Board Review 02 and 07). The officers are standing approximately four feet away from where § 87(2)(b) is standing. The officers walk over to § 87(2)(b) and then a third officer, PO Varela, puts his hand on § 87(2)(b)'s back and leads him over to a police vehicle. As § 87(2)(b) is walked out of view of the BWC PO Antwi says, "He ate that shit."

In Sgt. Mansour's BWC video at 03:42, Sgt. Mansour asks another unidentified officer, PO1, who has a dark beard and glasses, if he, "did the cans," PO1 states that he did (Board Review 04 and 09). PO1 then states, "I originally saw him right here," and points to an area about five feet away from where § 87(2)(b) is currently standing. An officer who is out of view states, "He just ate something." PO1 asks, "He ate something?" Sgt. Mansour asks if § 87(2)(b) has an I.D. on him and then asks if the blunt on the floor was his. Sgt. Mansour then states, "alright throw him in the back of the car and we'll take him back to the house."

According to Patrol Guide Procedure 208-02, "When a uniformed member of the service observes or suspects that a prisoner has ingested a narcotic or other dangerous substance, the prisoner will be transported from the place of arrest DIRECTLY to the nearest hospital facility. The uniformed member of the service WILL PROMPTLY notify the communications section dispatcher and the

patrol supervisor upon determination of possible ingestion, when transport to hospital is initiated, and upon arrival at the hospital. Emergency Medical Service (EMS) and hospital personnel will be informed of the quantity and type of substance ingested, if known. UNDER NO CIRCUMSTANCES will a prisoner who has ingested a narcotic or other dangerous substance be transported to the command for arrest processing prior to receiving medical treatment” (Board Review 26).

PO Antwi observed § 87(2)(b) place what appeared to be a bag containing narcotics into his mouth and suspected him of swallowing it. Sgt. Mansour was the highest-ranking officer on scene and gave the order to transport § 87(2)(b) to the 83rd Precinct stationhouse instead of having him transported immediately to a hospital as Patrol Guide Procedure 208-02 requires. No officer requested medical attention for § 87(2)(b) until he had already been taken to the stationhouse. There is video evidence showing that PO Antwi attempted to alert Sgt. Mansour of the fact that he suspected § 87(2)(b) had swallowed narcotics. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Police Officer Reuben Antwi spoke discourteously to § 87(2)(b)

Allegation (G) Police Officer Duane Seaton spoke discourteously to § 87(2)(b)

Allegation (H) Police Officer Reuben Antwi spoke discourteously to § 87(2)(b)

The investigation received PO Seaton’s BWC video (Board Review 06 and 11). At 09:31 minutes an officer riding in the RMP with § 87(2)(b) can be heard saying, "Stop fucking moving man." At 10:35 minutes PO Seaton appears to ask § 87(2)(b) "I bet you regret swallowing that shit now, huh?" At 10:55 minutes an unidentified officer in the RMP states, "What the fuck did you swallow bro?"

In his interview with the CCRB PO Seaton confirmed that he, PO Antwi, and PO Varela transported § 87(2)(b) back to the 83rd Precinct Stationhouse (Board Review 18). PO Seaton was shown a clip from his BWC video from 09:31 to 09:44 minutes. In the video an officer tells § 87(2)(b) "Stop fucking moving man." PO Seaton stated that based on the video it is his voice that says this. PO Seaton did not have an independent recollection of this occurring. PO Seaton stated that based on the clip § 87(2)(b) was moving furtively so he used the word, “fucking” because he wanted him to immediately stop moving around out of fear that he might try to do something to the officers.

PO Seaton was shown another clip from his BWC from 10:30 to 10:38 minutes in which an officer says, “I bet you regret swallowing that shit now,” while riding in the RMP. PO Seaton stated that the voice sounded like him. PO Seaton stated that he did not recall saying this and did not know why he said this.

PO Seaton was shown another clip from his BWC from 10:55 to 10:59 minutes in which an officer asks, “What the fuck did you swallow bro?” PO Seaton stated that the voice sounded like PO Antwi. PO Seaton stated he did not have any recollection of this occurring and did not know why PO Antwi stated that.

As discussed in Allegations D and E, PO Antwi was shown a clip of his own BWC video starting at 03:09 minutes to 03:15 minutes, which captures the moments before § 87(2)(b) was transported to

the 83rd Precinct stationhouse. PO Antwi can be heard speaking with officers saying, “He ate some of it the piece of shit ate some of it,” in reference to § 87(2)(b) ingesting narcotics. In his interview with the CCRB PO Antwi also confirmed that he, PO Seaton, and PO Varela transported § 87(2)(b) to the 83rd Precinct Stationhouse (Board Review 17). PO Antwi was also shown a clip from PO Seaton’s BWC from 10:55 minutes to 10:58 minutes. PO Antwi stated that he believes he heard himself say, “What the fuck did you swallow bro.” PO Antwi did not have an independent recollection of making that statement.

In his interview with the CCRB, PO Varela was shown the same BWC clips as PO Antwi and PO Seaton and stated that he did not say any of the discourtesies that were said while the officers were transporting § 87(2)(b)

According to DAO-DCT Case Number: 2017-17005 “profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct.” That being said it is further stated that, “The extension of an exception to a rule should be circumscribed. Otherwise the exception will swallow the rule.” In this case an officer told a bystander to “Shut the fuck up” because the bystander was complaining about actions the officer was taking. The Trial Commissioner stated that this “remark was completely unnecessary and without a legitimate police purpose” (Board Review 21).

Given that § 87(2)(b) was already in handcuffs and in the back of a police vehicle being transported to the 83rd Precinct Stationhouse, PO Antwi and PO Seaton were not in a chaotic situation, § 87(2)(g) Furthermore, the remarks were gratuitous and appeared to make light of what could have been a dangerous situation, since § 87(2)(b) ingested an unknown quantity of narcotics, § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

